

February 2, 1949.
Social Security.

House File 257
By MUNGER, GRAHAM, POSTON, MILLER
of Black Hawk and LAWRENCE.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to amend section eighty-six point thirty-nine (86.39),
Code 1946, of chapter eighty-six (86), Code 1946,
relating to industrial commissioner.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section eighty-six point thirty-nine
- 2 (86.39), Code 1946, is amended by adding thereto after the
- 3 last period (.) therein this sentence: "In all cases decided
- 4 against the employer he shall pay the reasonable fees of the
- 5 attorney for the employee subject to approval of the amount
- 6 by the industrial commissioner, provided, however, that in
- 7 cases decided against the employer by the district or supreme
- 8 court, then amount shall be subject to the approval of the
- 9 district court."

EXPLANATION OF H. F. 257

Under the present workmen's compensation act and section 86.39 thereof, while the industrial commissioner must approve the attorney's fees of the employees' attorney, yet in all cases the amount thereof must be paid by the employee. This is considered unjust in cases where the employee prevails. The intent of the amendment in the foregoing bill is to protect the employee from such unjust loss in those cases where the employee prevails because in such cases he was entitled to a full compensation had the employer paid it without litigation; otherwise experience has shown that in numerable compensable cases, especially when the amount is small, have been successfully declined by the employer because the employee either could not obtain services of counsel, or if he did so the recovery of his compensation would avail him little or nothing on account of the expense of attorney fees. The employer is protected by the foregoing bill inasmuch as he is not required thereby to pay attorney fees in non-compensable cases of litigation.